



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 20 मार्च, 1975/29 फाल्गुन, 1896

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 12th February, 1975

No. 10-1/73-Rev. A.—Whereas the draft Himachal Pradesh Village Common Lands Vesting and Utilisation Rules, 1974 were published as required under sub-section (3) of section 13 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974) in the extraordinary gazette, dated the 7th November, 1974, for inviting objections and suggestions from the persons likely to be affected thereby within a period of 30 days from the date of publication of the draft Rules in the official gazette.

And whereas Government has considered the objections and suggestions received on the said draft rules within the aforesaid prescribed period of 30 days.

Now, therefore, in exercise of the powers conferred upon him under section 13 of the aforesaid Act, the Governor, Himachal Pradesh, hereby makes the following Rules, namely:—

THE HIMACHAL PRADESH VILLAGE COMMON LANDS VESTING AND UTILIZATION RULES, 1975

Short title,
extent and
commence-
ment.

1. (1) These rules may be called the Himachal Pradesh Village Common Lands Vesting and Utilization Rules, 1975.

(2) They shall extend to the whole of Himachal Pradesh.

(3) They shall come into force at once.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context, —

(a) 'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974);

(b) 'allotable pool' means the land determined and demarcated by the Collector under clause (b) of sub-section (1) of section 8 for allotment to the eligible persons;

(c) 'eligible person' means a person who is eligible under clause (b) of sub-section (1) of section 8 for allotment of land out of the allotable pool;

(d) 'from' means a from appended to these rules;

(e) 'Tehsil Revenue Officer' means the Tehsildar of the Tehsil and the Naib-Tehsildar of the Sub-Tehsil, if the same Tehsil is divided for revenue work between the Tehsildar and the Naib-Tehsildar then they shall be deemed to be Tehsil Revenue Officers of the respective area; and

(f) 'section' means the section of the Act.

Taking possession of
the land.

3. (1) As soon as may be after coming into force of the Act, the Collector, shall ask the Tehsil Revenue Officer to send in from 'A' details of the shamilat land estatewise that has vested in the State Government.

(2) On receipt of the details of the shamilat land under sub-rule (1), the Collector shall proceed to take over possession of the land under sub-sections (5) and (6) of section 3.

Mutation
of land in
favour of
State
Government.

4. After the possession of shamilat land has been taken under the preceding rule, the Collector shall ask the Tehsil Revenue Officer to mutate the land in favour of the State Government.

Notice to
be served
on the land-
owner.

5. The notice to be served on the landowner under section 6 shall be in form 'B' and on the basis of orders passed by the Collector under rules 6 and 7. The notice shall be served in the manner prescribed under the rule made under the Punjab Land Revenue Act, 1887, for service of notice issued by the Revenue Officers.

Demarcation
of land
under section
8.

6. (1) On receipt of the information in form 'A', the Collector shall start a file of demarcation of land for grazing and common purposes and the land to be earmarked for allotable pool and send the same to the Tehsil Revenue Officer for proper demarcation of the land for grazing and common purposes and for allotable pool. The percentage of the land to be reserved for grazing and common

purposes shall be fixed in consultation with the estate right-holders keeping in view the provisions of section 8. The Tehsil Revenue Officer and the Collector shall be guided for demarcation of shamilat land for the said purposes by the following consideration:—

- (1) Total cattle population of the estate;
- (2) the number of eligible persons in the estate;
- (3) total acreage of existing cultivated land excluding area under illegal possession/encroachments;
- (4) total area of charand lands;
- (5) the land which is used for common purposes like cattle ponds, manure pits, sand bihag, kuhls, paths and the land recorded in the khataunis, of 'Sharai-am' and 'Rafai-am' shall continue to be so used and reserved for common purposes;
- (6) the land on which the tree growth is thick and is required to be maintained as forest in the public interest, shall be excluded from the allotable pool;
- (7) as far as possible the grazing areas and allotable pool areas shall be demarcated in compact blocks keeping the principles of consolidation of land holdings in view; and
- (8) Land allotted under contracts, agreements and leases by the Panchayats in respect of the land vested in the State Government when cancelled under section 4 of the Act shall form part of the allotable pool.

(2) The Tehsil Revenue Officer after a thorough survey and inspection of the shamilat lands shall demarcate the land and shall get the separate lists of khasra numbers that are reserved for the common purposes and the land to be given to eligible persons attached to the file. He shall also place on the file an index map of the village delineating the shamilat land and showing the demarcation of the grazing land, the land reserved for common purposes and the land reserved for allotable pool. The Tehsil Revenue Officer shall then submit his proposal of demarcation to the Collector.

(3) The Collector after scrutinizing the proposal sent by the Tehsil Revenue Officer shall fix a date for announcing his order after giving the inhabitants of the estate concerned an opportunity of being heard and shall pass the order regarding the percentage of area of land reserved for grazing and common purposes and areas reserved for the allotable pool.

(4) The Collector may amend or vary the percentage as referred to in sub-rule (3) with previous approval of the State Government.

7. In case the shamilat land in an estate is unmeasured, the Collector shall prepare record of rights for the same in view of the provisions of Chapter IV of the Himachal Pradesh Land Revenue Act, 1954, or of Chapter IV of the Punjab Land Revenue Act, 1887, as the case may be, and thereafter demarcate the land and pass order in the manner prescribed in rule 6.

Preparation of records of unmeasured shamilat land.

- Entry of demarcation order in Tehsil Register and land records.
8. After having issued the notice under section 6, the file shall be sent to the Tehsil Revenue Officer for making entries in the Tehsil Register to be maintained in form 'C' and also in the land records within a period of one month. The Tehsil Revenue Officer shall get the necessary entries made in the Tehsil Register and thereafter cause the order to be entered in the land records of the estate. The file shall then be returned to the Collector.
- Settlement of disputes.
9. If a dispute arises regarding entry of the land vested in the State Government, the Collector shall be competent to decide the same after a summary inquiry.
- Procedure.
10. The procedure for Revenue Officers prescribed in rules made under the Punjab Land Revenue Act, 1887, shall be applicable to all inquiries under the Act.
- Mode of payment of amount.
11. The amount payable to the landowners under the Act shall be paid to them in the manner prescribed in the Himachal Pradesh Ceiling on Land Holdings Rules, 1973.
- Court Fee.
12. All applications made under the provisions of the Act shall bear Rs. 1.25 court fee stamp and process fees shall be chargeable as prescribed by or under the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968).
- Copying fees chargeable.
13. The rates of copying fees on the supply of documents relating to the Act and the Rules and orders passed thereunder shall be the same as are prescribed for similar documents under the Copying agency Rules applicable in Himachal Pradesh.
- Repeal and savings.
14. The Punjab Village Common Lands (Regulation) Rules, 1964, are hereby repealed:
- Provided that the repeal of the aforesaid rules shall not affect the validity of any action taken or anything done under the rules hereby repealed.

FORM A
[See sub-rule (1) of rule 3]

Particulars of shamiat land of village Hadbast No.
Tehsil.....District.....vested in the State Government and exempted from vestment under section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974.

PART I—DETAILS OF LAND VESTED IN GOVERNMENT & EXEMPTED FROM VESTMENT

Name of Panchayat	Name of Revenue estate	Particulars of land shown in Revenue Papers under the ownership of Panchayat			Details of land which is not used for common purposes as per clause (b) of section 3(1) of the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974		
		Khewat No. Khatanui No. as per Jama-bandi	Khasra No.	Total area in acres	Khewat No. Khatauni No. as per Jama-bandi	Khasra No.	Total area in acres
1	2	3	4	5	6	7	8

Total of columns 5 & 8 (Gross area in acres)	Land exempted from vestment under clause (a) of sub-section (1) of section 3 of the Act		Land exempted from vestment under sub-section (2) of section 3 of the Act					
			Under clause (a) (Partition)		Under clause (b) (Transfers)		Under clause (c) (Houses and cow- sheds)	
	Khasra No.	Total area in acres	Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres
9	10	11	12	13	14	15	16	17

Total net area vested in State Govt.
i.e. area shown in column 9 minus
total area shown in cols. 11, 13, 15 and
17

Land that had not vested in the
Govt. in view of the Punjab
Village Common Lands (Regu-
lation) Act, 1961

Land in the possession of individuals recorded
as Hisadar as per last settlement/jamabandi and
assessed to land revenue.

Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres
18	19	20	21	22	23

PART II—OTHER INFORMATION

Land in possession of occupancy/non-occupancy tenants

Land under mortgages with possession

Khasra Nos.	Area in acres	Khasra Nos.	Area in acres
24	25	26	27

Signature of Patwari,

Circle.....

/ Dated.....

I have checked up the statement and satisfied myself that this is correct according to entries last settlement Jamabandi and situation on the spot.

Field Kanungo,

Circle.....

Dated.....

FORM 'B'

(See rule. 5)

FORM OF NOTICE TO BE GIVEN TO LANDOWNERS

Before Shri.....Collector.....
Whereas the land described below has vested in the State Government under section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 and whereas for the extinguishment of your rights in land aforesaid, the amount of Rs. (in words) the..... is proposed to be paid to you, therefore, under sub-section (1) of section 6 of the Act.

Now, therefore, you are called upon to prefer objections, if any about the proposed amount within 60 days from the receipt of this notice.

Description of land:

Name of revenue estate.....
Khewat and Khatauni No.....
Name of landowner as per Jamabandi.....
Khasra Nos.....
Area of land in acres.....
Annual land revenue.....
Rates and cesses.....

Note.—In case of the amount to be paid to individual co-sharers, a list showing their names and the amount payable to each co-sharer be added.

Seal.

Date.....

Signature of Collector.

Place.....

FORM 'C'

(See rule-8)

TEHSIL REGISTER OF DEMARCATION OF SHAMILAT LAND VESTED IN THE GOVERNMENT SHOWING DETAILS OF LAND RESERVED FOR COMMON PURPOSES, GRAZING AND ALLOT-ABLE POOL LAND

Name of the Revenue estate	Khasra No. with area reserved for grazing and other common purposes	Khasra No. with area of the allot-able pool	Remarks
1	2	3	4

Simla-2, the 12th February, 1975

No. 10-1/73-Rev. A.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 8 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974), the Governor, Himachal Pradesh, is pleased to make the following Scheme namely:—

Short title
and comm-
encement.

1. (1) This scheme shall be called the Himachal Pradesh Village Common Lands Vesting and Utilization Scheme, 1975.

(2) It shall come into force atonce.

Definitions.

2. In this scheme, unless the context otherwise requires,—

(a) 'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974);

(b) 'allottee' means a person who is allotted land under this scheme;

(c) term to cultivate personally will have the same meaning as given in the Himachal Pradesh Tenancy and Land Reforms Act, 1972;

(d) 'form' means the form appended to this scheme;

(e) 'rules' mean the Himachal Pradesh Village Common Lands Vesting and Utilization Rules, 1974; and

(f) all other words and expressions used herein and not defined in this scheme but defined in the Act or rules shall have the same meaning as are respectively assigned to them in the Act or in the rules, as the case may be.

Procedure
to be obse-
rved by
the Tehsil
Revenue
Officer.

3. Immediately after the demarcation of the land reserved for grazing and other common purposes and the allottable pool under rules 6 and 7 of the rules, the Tehsil Revenue Officer shall invite applications through proclamation from the eligible persons in form I to be submitted to him within 6 weeks thereof. Copy of this proclamation shall be affixed at conspicuous place in the estate. Additional publicity shall be made by other suitable media of publicity:

Provided that the proceedings for allotment of land from the allottable pool may be initiated *suo-motu* by the Tehsil Revenue Officer.

Enquiry for
preparation
of state-
ment of
land avail-
able for
allotment.

4. When application is made under paragraph 3 or when the Tehsil Revenue Officer *suo-motu* initiates proceedings under the proviso of paragraph 3, he shall after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry as he may consider necessary, prepare a statement for each revenue estate, indicating—

(1) Particulars of each eligible person;

- (2) the land, if any, owned or held by such person;
- (3) the area which can be allotted to such person under the Act; and
- (4) the revenue estate or estates for which such person indicates preference for allotment of land in case no area is available for allotment in the revenue estate where he holds land.

5. (1) After the procedure prescribed in paragraph 4 has been followed, the Tehsil Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the persons who do not own any land and the persons who own or hold less than one acre of land are placed according to the area possessed by each, in an ascending order:

Procedure for allotment of land from the allotable pool.

Provided that where more than one person have equal claims, their names in the priority list shall be arranged by drawing of lots by the Tehsil Revenue Officer so that a person whose lot is drawn first, gets preference over the persons whose lots are drawn subsequently.

(2) The Tehsil Revenue Officer shall also prepare a list of Khasra numbers (with area) of the land comprised in the allotable pool area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangle shall be observed first and then of killas in each rectangle.

(3) The record of each case along with the lists referred in sub-paragraphs (1) and (2) above shall be forwarded to the Collector who shall proceed to allot to the eligible persons in order of the priority shown in the lists prepared under sub-paragraph (1) above granting the proprietary rights of the land against the amount as prescribed in the Act. In the order of allotment, the Collector shall also give the number of instalments in which the amount is to be paid into the Government treasury.

6. If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him surplus area in any revenue estate in which it is available.

7. Each allottee shall be given a certificate in Form 'II' by the Collector. A copy of the certificate shall be sent to the Tehsil Revenue Officer.

Issue of certificates.

8. After making the allotment, the Collector shall also pass an order for delivery of possession of land to the allottee.

Delivery of possession.

9. The allotment shall be subject to the following terms and conditions:—

Conditions of allotment.

- (a) the allottee shall be liable to pay all Government dues, including land revenue rates and cesses, from the date he takes possession of the land;

- (b) the allottee shall be liable to pay for the land an amount as prescribed in clause (b) of sub-section (1) of section 8 of the Act;
- (c) the allottee shall become full owner of the land allotted to him when all payments due in respect of such land have been made either in lump sum or on payment of first instalment of such dues, as the case may be;
- (d) the allottee shall not transfer his rights in the land allotted to him to any person within a period of 10 years from the date of taking over the possession after allotment:

Provided that the allottee may transfer the land by way of mortgage without possession in favour of a Primary Agricultural Co-operative Credit Society, Land Mortgage Banks, the State and Central Cooperative Banks and other Nationalised Banks for the purpose of raising loan development of such land; and

- (e) the allotment shall be liable to resumption if the land is not cultivated personally within a year of taking over of the possession by the allottee.

Payment of
amount in
instalments.

10. The amount prescribed in section 8 of the Act shall be paid by the allottee in the following manner:—

- 1. the amount payable under section 8 of the Act shall, if it is not voluntarily paid in lump sum, be paid—
- (a) where it does not exceeds 100 rupees in 2 equal six-monthly instalments;
- (b) where it exceeds 100 rupees in 4 equal six-monthly instalments.

Cancellation
of allot-
ment in cer-
tain cases.

11. (1) If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable for cancellation of the allotment;

Provided that no cancellation of allotment will be made unless the allottee is given an opportunity of being heard.

(2) If there is a default in payment of instalment or instalments due to the Government from the allottee, the same shall be recoverable as arrears of land revenue.

Manner of
payment of
amount.

12. (1) The amount shall be paid into the Government Treasury or Sub-Treasury by the allottee.

(2) The Tehsil Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them.

At the end of every month, a statement regarding payments received from allottees shall be furnished to the Treasury Officer or Sub-Treasury Officer as the case may be, by the Tehsil Revenue Officer.

FORM 'I'

(See paragraph 3)

Name, parentage, village, tehsil and district of the applicant	Khasra No. of land he owns/ cultivates with the name of estate, tehsil and district	Area he wants to be allotted with the name of the estate, tehsil and district.	Name of scheduled castes or tribes to which he belongs.	Remarks
1	2	3	4	5

I hereby certify that I have known the applicant personally for a period of.....and to the best of my knowledge and belief he belongs to the.....caste/tribe which is one of the scheduled caste scheduled tribes declared for Himachal Pradesh under the Constitution of India.

Signature of Sarpanch/Lambardar
or any Gazetted Officer
or a Revenue Officer.

FORM 'II'

(See paragraph 7)

Form of Certificate

Certified that.....son of.....resident of.....has been allotted land measuring.....and situated in.....estate.....Tehsil.....District.....under the provision of the Himachal Pradesh Village Common Lands and Utilisation Scheme, 1975, subject to the terms and conditions specified therein. The amount payable for such allotment has been determined as.....

Collector.

By order,
K. C. PANDEYA,
Secretary.

